## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

| MELISSA GALE JOHNSON, et al., | ) |                        |
|-------------------------------|---|------------------------|
|                               | ) |                        |
| Plaintiffs,                   | ) |                        |
|                               | ) |                        |
| v.                            | ) | Case No. 3:15-cv-01495 |
|                               | ) | Judge Campbell/Knowles |
| RUTHERFORD COUNTY,            | ) | 2                      |
| TENNESSEE, et al.,            | ) |                        |
|                               | ) |                        |
| Defendants                    |   |                        |

## REPORT AND RECOMMENDATION

This matter is before the Court upon Defendants' "Motion to Dismiss Pursuant to F.R.C.P. 4(m)." Docket No. 41.

The Court has entered an Order granting Plaintiff's Motion to Extend Deadlines. Docket No. 51. For the reasons set forth in that Order, the instant Motion to Dismiss (Docket No. 41) should be DENIED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this

<sup>&</sup>lt;sup>1</sup>The instant Motion is contained in a filing headed "Defendants' Response in Opposition to Plaintiffs' Motion to Extend Deadlines and Defendants' Motion to Dismiss Pursuant to F.R.C.P. 4(m)." Docket No. 41. For future reference, counsel are advised that motions seeking relief should be filed separately, and not as a part of a response to another motion.

Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

E. CL'IFTON KNOWLES

United States Magistrate Judge